

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

HEATH NORRIS,

Plaintiff,

v.

SCOTT FRAKES, DR. RANDY
KOHL, BARBARA LEWEIN, CURT
WEES, OMAHA CORR. CNTR.
MEDICAL STAFF, including and all
other unnamed John and Jane Does
known and unknown, C.
SCHMOKER, DR. KATHLEEN
OGDEN, M. ANTLEY, M.
WESLEY, and JOHN AND JANE
DOES, known and unknown
employees and/or contractors,

Defendants.

8:16CV187

**MEMORANDUM
AND ORDER**

Previously, the court ordered that this action may proceed to service of process as to Plaintiff's Eighth Amendment claim for deliberate indifference to Plaintiff's serious medical needs against several named defendants in their individual capacities, "in addition to those as-yet unidentified members of the OCC medical staff (also in their individual capacities) that had direct involvement in Plaintiff's post-surgery treatment." (Filing [11](#) at CM/ECF p. 11.) As a litigant proceeding in forma pauperis in this case, Plaintiff is entitled to have service of process performed by the United States Marshals. However, the United States Marshals cannot initiate service upon unknown defendants—in this case, "OMAHA CORR. CNTR. MEDICAL STAFF, including and all other unnamed John and Jane Does known and unknown" and "JOHN AND JANE DOES, known and unknown employees and/or contractors."

As of the date of this order, Plaintiff has not provided the court with any information regarding the “John and Jane Does” he references in his Complaint. Therefore, the court will give Plaintiff 30 days in which to take reasonable steps to identify *by name* the John and Jane Does (1) who had direct involvement in Plaintiff’s allegedly objectionable post-surgery treatment and (2) who are *not* already named as defendants (Frakes, Kohl, Lewein, Wees, Small, Schmoker, Ogden, Antley, and Wesley in their individual capacities). If Plaintiff wishes to serve process upon any defendants who have not already been identified, Plaintiff shall promptly notify the court of their names and locations/addresses (if known), after which the court will process the documents necessary to initiate service of process on those defendants.

IT IS ORDERED:

1. On or before March 30, 2017, Plaintiff must identify *by name* the John and Jane Does (a) who had direct involvement in Plaintiff’s allegedly objectionable post-surgery treatment and (b) who are *not* already named as defendants (Frakes, Kohl, Lewein, Wees, Small, Schmoker, Ogden, Antley, and Wesley in their individual capacities), and shall notify the court of their names and locations/addresses (if known), after which the court will process the documents necessary to initiate service of process on those defendants. Failure to do so will result in dismissal of these defendants without prejudice and without further notice.

2. The clerk of the court is directed to set the following case management deadline: March 31, 2017: check for identification of John and Jane Does.

DATED this 8th day of February, 2017.

BY THE COURT:
s/ *Richard G. Kopf*
Senior United States District Judge